

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KYLE M. DEBRO,

Plaintiff,

Case No. 15-cv-14225

Hon. Matthew F. Leitman

v.

JEFF FRENCH, *et. al.*,

Defendants.

**ORDER RESOLVING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, DISMISSING PLAINTIFF'S CLAIMS WITHOUT
PREJUDICE, AND COMPELLING ARBITRATION**

On December 1, 2015, Plaintiff Kyle M. Debro ("Debro") filed a Complaint against Defendants Jeff French ("French") and Aubree's Pizza LLC ("Aubree's Pizza"). (*See* Compl., ECF #1.) Debro alleges that French and Aubree's Pizza (collectively "Defendants") violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(2)(a) *et seq.* (the "Act") by discriminating against him due to his race and by constructively discharging him in retaliation for complaining about the alleged discrimination. (*See id.* at 7, Pg. ID 34). Defendants moved for summary judgment on July 27, 2016. (*See* ECF #36.) In their motion, Defendants asked the Court to grant summary judgment on Debro's claims and dismiss them with prejudice or, in the alternative, to dismiss the claims without prejudice and to refer the claims to arbitration.

On February 16, 2017, the assigned Magistrate Judge issued a Report and Recommendation (R&R) in which she suggested that the Court should deny summary judgment and, instead, should dismiss the action without prejudice and refer Debro's claims to arbitration.

At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at 13-14, Pg. ID 644-45.) Neither party has filed any objections to the R&R. The failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because neither party has filed any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommended disposition is **ADOPTED**.

IT IS FURTHER ORDERED that:

- All of Debro's claims in this action are **DISMISSED WITHOUT PREJUDICE**, and

- The parties shall arbitrate Debro's claims in accordance with the applicable provisions of the Aubree' Team Member Handbook (the 'Handbook'). The Court expresses no opinion as to any defenses that Defendants may wish to raise in arbitration or under the terms of the applicable provisions of the Handbook.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 8, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 8, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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